



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 30 2015

CERTIFIED MAIL 7010 1060 0002 1703 8174
RETURN RECEIPT REQUESTED

Miami-Dade County
Attn.: Mr. Lester Sola
Director, Water and Sewer Department
3071 SW 38th Avenue
Miami, Florida 33146

Re: Consent Decree No. 1:12-cv-24400-FAM
Demand for Stipulated Penalties

Dear Mr. Sola:

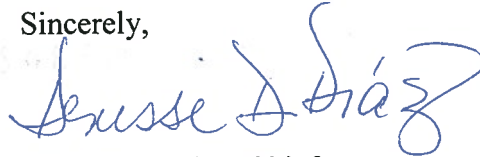
The U.S. Environmental Protection Agency Region 4 is in receipt of the Quarterly Reports that Miami-Dade County (Miami-Dade) has submitted for the months of April 2014 through December 2014 in compliance with Section IX, Paragraph 32 of the Consent Decree. In addition, the EPA is in receipt of information relating to one of the eight Sanitary Sewer Overflows (SSO) that reached waters of the United States during this time period. This one specific SSO occurred on August 19, 2014, and was caused by a third-party contractor. The EPA agrees that Miami-Dade should not be held liable for stipulated penalties for this one SSO, pursuant to Paragraph 42.(a).(vi). of the Consent Decree.

Pursuant to Section X, Paragraph 42.(a). of the Consent Decree and the *Order Modifying Section X of the Consent Decree* (Document 156), the EPA may assess a stipulated penalty for each SSO that reaches waters of the United States in a dollar amount that is dependent on the size of the SSO and when the SSO occurred. Given the information above, the EPA hereby demands stipulated penalties for the seven other SSOs that occurred from April 9, 2014, through December 31, 2014, pursuant to Section X, Paragraph 42.(a). of the Consent Decree and the *Order Modifying Section X of the Consent Decree* (Document 156), in the amount of \$7,000.

The EPA has received confirmation from the Florida Department of Environmental Protection (FDEP) that it has elected to join in on this demand pursuant to Paragraph 44 of the Consent Decree. As a result, and in accordance with Paragraph 44 of the Consent Decree, Miami-Dade shall pay (within 30 days of receipt of this letter) \$3,500 (50%) of the stipulated penalty to the United States and \$3,500 (50%) of the stipulated penalty to the FDEP for a total stipulated penalty amount of \$7,000. Miami-Dade shall pay the United States' portion of the stipulated penalty via electronic fund transfer in the same manner and according to the same instructions as the Civil Penalty was paid for the portion due to the United States.

If you have any questions, please have your attorneys contact Mr. William Bush, Associate Regional Counsel assigned to this matter, at (404) 562-9538.

Sincerely,



Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

cc: Mr. Jonathan A. Glogau
Office of the Attorney General

Mr. Kirk White
Florida Department of Environmental Protection

Mr. Michael Hambor
Florida Department of Environmental Protection

Mayor Carlos A. Gimenez
Miami-Dade County

Mr. Jack Osterholt
Miami-Dade Regulatory and Economic Resources

Mr. Robert A. Cuevas, Jr.
Miami-Dade County Attorney

Mr. William A. Weinischke
U.S. Department of Justice

Ms. Rachael Amy Kamons
U.S. Department of Justice